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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2016/2017

UMY1612-MALAYSIAN LEGAL SYSTEM I

(All Sections/ Groups)

20th OCTOBER 2016

Reading Time: 9.00 a.m. - 9.15a.m.

(15 Minutes)

Answering Time: 9.15 a.m. – 12.15 p.m.

(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.
2. This Question paper consists of 2 pages with 5 Questions only.
3. Attempt **FOUR** out of **FIVE** questions. All questions carry equal marks and the distribution of the marks for each question is given.
4. Students are allowed to bring into Examination Hall **CLEAN** and **ORIGINAL** copy of:
 - i. Civil Law Act 1956
 - ii. Federal Constitution of Malaysia

Students are not allowed to lend or borrow statute(s) during the examination.

5. Please write all your answers in the Answer Booklet provided.

QUESTION 1

In the case of *Sundralingam v Ramanatha Chettiar* [1967] 2 MLJ 211, Ong Hock Thye FJ stated that *"Each court is of course bound by decision of the court above it."*

With reference to the above judgment, discuss the application of the doctrine of *stare decisis* in its vertical operation in Malaysia

(Total: 25 Marks)

QUESTION 2

"indulgent, rather than a critical, attitude, towards delegated legislation, and it is only rarely that a court will hold a regulation ultra vires... On the whole, one can say that judicial review of delegated legislation is more of a symbolic value rather than of much practical value" – *Kruse v Johnson* [1898] 2 QB 91

- a) On what ground may the court declare a subsidiary legislation ultra vires?

(15 marks)

- b) Subsidiary legislation could also be controlled via the legislature. Explain.

(10 marks)

(Total: 25 marks)

Continued...

QUESTION 3

Civil Law Act 1956 governs the application of English common law, equity and statutes into the Malaysian Legal System. With reference to decided cases and relevant authorities, discuss the applicability of English law in Malaysia.

(Total: 25 marks)

QUESTION 4

Islam is the religion of the Federation, pursuant to Article 3 of the Federal Constitution. Examine what are the features and applicability of Islamic law in Malaysian Legal System.

(Total: 25 Marks)

QUESTION 5

Amendments should be made by Act of Parliament provided that an Act to amend the constitution must be passed in each house by a majority of at least two thirds of the members voting.

What are the laws and modes of amendments to the Federal Constitution?

(Total: 25 marks)

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